

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

Dennis Jeff Bartee,
Petitioner

v.

Bruce Stroud, et al.,
Respondents

Case No. 2:16-cv-00158-JAD-NJK

Order Dismissing Action

This action is a *pro se* petition for a writ of habeas corpus filed under 28 U.S.C. § 2254 by a Nevada state prisoner.

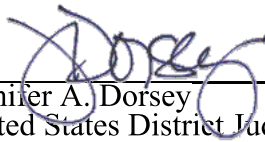
When filing a habeas action, a petitioner has two choices: (1) he can pay the \$5 filing fee for habeas petitions, or (2) he can file an application to proceed *in forma pauperis*. Because Dennis Bartee neither paid the fee nor submitted an *in forma pauperis* application, I dismiss this case without prejudice to his ability to file a new petition in a new case with either the \$5 fee or a completed pauper application. It does not appear from the papers presented that a dismissal without prejudice would result in a promptly-filed new petition being untimely. Of course, petitioner is reminded that, at all times, he remains responsible for calculating the running of any limitations period that applies to his case and properly commencing a timely-filed habeas corpus action.

IT THEREFORE IS ORDERED that this action is **DISMISSED** without prejudice to petitioner's ability to file a new petition in a new action, and **the Clerk of Court is directed to CLOSE THIS CASE. Although petitioner may file a new petition in a new action, he may not file any more documents in this case.**

The Clerk of Court is also directed to send petitioner two copies of an *in forma pauperis* application form for a prisoner, one copy of the instructions for that application, two copies of a blank 28 U.S.C. § 2254 habeas petition form, and one copy of instructions for that form.

1 IT IS FURTHER ORDERED that a **certificate of appealability is DENIED**. Reasonable
2 jurists would not find the dismissal of this improperly-commenced action without prejudice to be
3 debatable or wrong.

4 Dated this 16th day of February, 2016.

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7 _____
Jennifer A. Dorsey
United States District Judge